

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HAYWARD HARRIS, JR.,)	
)	CASE NO. 5:14CV2775
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
THE RIB DOCTOR LLC, <i>et al.</i> ,)	
)	
Defendants.)	<u>DEFAULT JUDGMENT</u>

For the reasons set forth in the Order filed contemporaneously with this Default Judgment, IT IS HEREBY ORDERED, ADJUDGED and DECREED that judgment is hereby rendered in favor of Plaintiff Hayward Harris, Jr. against Defendants The Rib Doctor LLC and Gregory Jacobs (collectively “Defendants”) on all claims, and that pursuant to [Fed. R. Civ. P. 65](#), Hayward Harris, Jr., is granted a permanent injunction as follows:

1. Defendants, and any employees, agents, servants, officers, representatives, directors, attorneys, successors, affiliates, assigns, and entities owned or controlled by Defendants, and all those in active concert and participation with Defendants, and each of them who receives notice directly or otherwise of such injunction, are PERMANENTLY ENJOINED and restrained from:

a) importing, exporting, manufacturing, producing, distributing, circulating, selling, offering for sale, advertising, promoting or displaying any barbecue sauces, rubs or related products under mark THE RIB DOCTOR and/or any other variants of the phrase RIB DOCTOR, included but not limited to RIB DOCTOR, RIB DOC, RIB DR, RIB DR., ELTORO THE RIB

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DOCTOR, EL TORO THE RIB DOCTOR and/or any other mark that includes variants of the words “RIB” and “DOCTOR” (“RIB DOCTOR Variants”) ;

b) advertising, promoting, or offering restaurant services, food truck services, catering services, or any related services under the mark THE RIB DOCTOR or any other RIB DOCTOR Variants;

c) using Plaintiff’s mark THE RIB DOCTOR or any other RIB DOCTOR Variants, or any simulation, reproduction, copy or colorable imitation thereof, in connection with the promotion, advertisement (whether print, media, radio advertisements, outdoor signage, billboards, vehicle signage, business listings, personal appearances, social media, or otherwise), display, sale, offering for sale, manufacture, production, circulation or distribution of any product or the offering of any service;

d) using any false designation of origin or false description, or performing any act which is likely to lead members of the trade or public to believe that any infringing product manufactured, distributed or sold or any infringing service advertised or offered by Defendants is in any manner associated or connected with Plaintiff, or is sold, offered, sponsored, approved or authorized by Plaintiff; and

e) engaging in any other activity constituting unfair competition with Plaintiff or constituting infringement of Plaintiff’s THE RIB DOCTOR Mark.

2. Defendants shall within five (5) business days of entry hereof remove or destroy any materials or advertising in any form, whether print, electronic, or otherwise, that includes the mark THE RIB DOCTOR or any other RIB DOCTOR Variants.

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3. This Default Judgment constitutes entry of judgment pursuant to [Fed. R. Civ. P. 58](#).

Final.

April 27, 2015
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge

CERTIFICATE OF SERVICE

A copy of the foregoing Default Judgment was filed electronically this 27th day of April, 2015. Notice of this filing will be sent to John M. Skeriotis, Esq. by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. A copy of this Default Judgment has also been sent by regular mail this 27th day of April, 2015 to Mari-Elise Taube, Esq., Stites & Harbison PLLC, 1199 North Fairfax Street, Suite 900, Alexandria, Virginia 22314-1404; The Rib Doctor LLC, 1675 1/2 Diagonal Road, Akron, Ohio 44320-4001; and Gregory Jacobs, 1675 1/2 Diagonal Road, Akron, Ohio 44320-4001, 2510 Romig Road, Akron, Ohio 44320-3829, and 845 Brittain Road, Akron, Ohio 44305-1369.

April 27, 2015
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge